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9
10 UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF WASHINGTON
12

13 UNITED STATES OF AMERICA,

14 Plaintiff,

1:19-CR-02058-SMJ-4

15 vs.

16 JUANITA RAMIREZ,

17 Defendant.

Government's Response to
Defendant's Motions *in Limine*

18 Plaintiff, United States of America, by and through William D. Hyslop, United
19 States Attorney for the Eastern District of Washington, and Patrick J. Cashman,
20 Assistant United States Attorney for the Eastern District of Washington, submits the
21 following Response to Defendant's Motions *in limine*. (ECF No. 92).

22 **I. BACKGROUND**

23 The United States incorporates the factual background provided in ECF No.
24 110 for purposes of this responsive pleading.

25 **II. DISCUSSION**

26 i. Opinion Testimony from Expert Witnesses

27 The United States provided notice of expert witnesses on March 26, 2020.
28 These experts included Brandon McCullum and Karen Johnson of the Federal
Bureau of Investigation Crime Laboratory.

Mr. McCullum conducted DNA testing on numerous items recovered from
Government's Response to Defendant's Motions *in Limine* - 1

1 the white Chrysler 300 and red Mazda Tribute involved in this case. The results of
2 Mr. McCullum's tests have been provided in discovery. The United States
3 anticipates that additional discovery will be provided to the Defendants upon DNA
4 comparison tests.

5 Ms. Johnson conducted fingerprint analysis of latent finger prints located in
6 the red Mazda Tribute. Of the numerous latent fingerprints obtained, only one
7 appeared to be suitable for comparison. The analysis of this latent fingerprint
8 identified the victim. The results of Ms. Johnson's analysis have been provided in
9 discovery.

10 The United States will continue to provide discovery upon receipt.

11 ii. Other acts evidence (FRE 404(b))

12 The United States will comply with LCrR 16 and Fed. R. Evid. 404(b). The
13 United States will provide notice in a separate filing.

14 iii. Evidence of gang membership or gang affiliation.

15 The United States addressed the issue raised by the Defendant in responsive
16 pleadings to Defendant Vargas' motions *in limine*. (ECF No. 110). The United
17 States incorporates the response in ECF No. 110 into this pleading.

18 iv. Testifying witnesses should be excluded from the courtroom
19 (FRE 615).

20 The United States does not object to the Defendant's motion. However, the
21 United States does intend to request the presence of Federal Bureau of Investigation
22 Special Agent Ronald Ribail to sit at counsel table during the duration of the trial.

23 Dated: March 27, 2020.

24 William D. Hyslop
25 United States Attorney

26
27 s/ Patrick J. Cashman
28 Patrick J. Cashman
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on March 27, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Ken Therrien: kentherrien@msn.com
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Troy Lee: troylee@troyleelaw.com

s/ Patrick J. Cashman
Patrick J. Cashman
Assistant United States Attorney